



# Legislative Update

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## The Department's Strategic Initiatives: A Progress Report

Patty Hayes

With the legislative session half over, I thought it would be interesting to identify links between some of the Department of Health's strategic initiatives for 1998 and bills still making their way through the Legislature. Here is a brief review:

### *Promote Healthy Aging of the Population*

- **SHB 2788 - Training Nursing Assistants:** Skills and competencies from the DSHS curriculum modules for caregiver training would be accepted toward a nursing assistant certification. The department has testified in support of this bill.
- **SHB 2990 - Accreditation of Boarding Homes:** Recognizes the need to involve the consumers of assisted living and retirement services, the long-term care ombudsman, boarding home industry and state regulatory agencies in developing standards and procedures for accreditation. Supports an industry-funded pilot program. The department supports the concept embodied in this bill.
- **SSB 6544 - Adult Family Home and Boarding Home Training:** Requires development of training standards for administrators and staff serving residents with a diagnosis of dementia, mental illness or developmental disability. Disclosure language requires all facilities receive a full assessment of health condition of each resident before admission. Facilities must also fully disclose to potential residents what items and activities they are capable of arranging. The department has testified in favor of the bill's concept.
- **SHB 2774 - Regulating Adult Family Homes:** Creates an advisory committee on matters relating to the regulation of adult family homes.

### *Assure the Public Has An Adequate Supply of Safe and Reliable Drinking Water*

- **ESHB 2496 - Salmon Recovery Planning:** Addresses salmon recovery efforts and habitat restoration planning. Creates an office within the Governor's Office to coordinate state agency strategy for salmon recovery. Allows for the creation of regional councils that are responsible for developing both habitat work plans and schedules, and salmon habitat restoration plans.

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# The Department's Strategic Initiatives: A Progress Report *(cont)*

- **ESHB 2514 - Integrated Watershed Management:** Establishes a voluntary planning process to develop integrated watershed management plans. Addresses water quantity, water quality, and habitat. The Department would provide critical technical assistance to local planning efforts. This bill was introduced at the request of the Governor.

## *Promote Safe and Effective Student Health Services*

- **SB 5258 - Medical Assistance in Public Schools:** Allows school district employees to file a written letter of refusal to administer oral medications to students or perform clean, intermittent bladder catheterization of students. The written letter of refusal may not serve as grounds for termination of employment.

## *Improve Food Safety in the Home and Commercial Settings*

- **SHB 1867 - Food Sanitation and Safety:** Declares that an employee may be granted a renewal permit that is valid for five years from the date of issuance if the employee demonstrates that he or she has obtained additional food safety training prior to renewal of the permit. Rules establishing minimum safety requirements must be adopted by the State Board of Health and developed by the Department of Health in conjunction with local health jurisdictions and representatives of the food service industry. Requires individuals to obtain a food and beverage service workers' permit within fourteen days of commencement of employment. This legislation was introduced last session at the request of the department.
- **HB 2537/SB 6131 - Sanitary Control of Shellfish:** Provides that a person whose license or certificate of approval is denied, revoked, or suspended as a result of violations of RCW 69.30 (Sanitary Control of Shellfish) may not participate to any degree in a shellfish operation. This is also Department requested legislation.

There has been no significant legislation addressing the important strategic initiatives of Protecting the Public from Emerging and Antibiotic Resistant Disease, and Making Child Care Safe and Healthy. That fact gives the Department an opportunity to take a leadership role in developing legislation on these topics for the next session of the legislature, and beyond. In addition, a number of issues will be discussed within the context of the state supplemental budget. These include water quality, the reimbursement system for long term care, immunizations, as well as access to services for the elderly and disabled. §

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## Tobacco Bills Update

*Greg Smith*

There are two major tobacco measures that have passed their house of origin and are still eligible for further consideration during the legislative session. **ESSB 6354** requires any funds received as a resolution of the state's lawsuit against the tobacco industry to be split between the Health Services Account and the Education Enhancement Account. Moneys deposited in the Health Services Account must be used for Basic Health Plan enrollment to include a smoking cessation benefit. Funds deposited in the Education Enhancement account may be used for drug, alcohol and tobacco prevention education.

**2ESHB 1746** makes it a violation for a minor to possess tobacco products. Minors guilty of this infraction would be required to pay a fine of \$100, perform 4 hours of community service and may be required to participate in a smoking cessation program. Local health jurisdictions would no longer have the authority to grant such immunity. Minors would be granted immunity when participating in controlled purchases in connection with compliance activities. Minors would no longer be granted such immunity when participating in enforcement activities by local health jurisdictions. §

Bill Watch this week is shorter than in previous issues. Many bills the *Legislative Update* had been tracking have not advanced past cutoff in their house of origin. These bills, by prior legislative agreement, cannot be further considered unless they are incidental to the budget.

## DATA AND CONFIDENTIALITY

### **SHB 2914: HIV Test Reporting**

Directs the Governor to convene a 15 member task force to develop a state wide pilot project to implement an HIV surveillance system. Requires the task force to report to the State Board of Health by 10/1/98. Any pilot project developed must assure access to federal funding. **Senate Health & Long-Term Care.**

### **SB 6329: Health Care Information Disclosure**

Authorizes disclosure of health care information without patient's authorization to county coroners and medical examiners for the investigations of deaths. **House Health Care. Public Hearing: 2/27/98 - 10:00 a.m. Senate Hearing Room 4.**

## DISEASE PREVENTION & CONTROL

### **SHB 2366: Good Samaritan Disease Tests**

Provides that any person, who without compensation or the expectation of compensation renders emergency care at the scene of an emergency that brings them into contact with bodily fluids shall be provided the opportunity to have infectious disease testing provided by a local public health department free of charge, provided the person needing the test has no insurance coverage. **Senate Health & Long-Term Care.**

**SHB 2413: Sexually Transmitted Disease Disclosure**  
Revises RCW 70.24.105 to provide for disclosure of sexually transmitted disease information to a person rendering emergency care or transportation, commonly known as a "Good Samaritan". **Senate Health & Long-Term Care.**

## ENVIRONMENTAL HEALTH

### **2E2SHB 1354: Air Pollution Control**

Revises air pollution control provisions. Requires the Department of Ecology to establish a scientific advisory

board to review plans to create or expand an inspection and maintenance system for motor vehicle emissions. Exempts from the requirements for emission inspection, collector cars as identified by the Department of Licensing under RCW 46.16.305(1); or beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old. Requires Ecology to evaluate changes to the motor vehicle emission inspection program and to recommend changes to the legislature by January 1, 1999. **Senate Agriculture & Environment.**

### **SHB 1692: Port District Aquatic Lands**

The only lands that may be included in a port district aquatic lands management agreement are those state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased or otherwise managed by a port district. Upon request of a city, the department and city may enter into an agreement authorizing the city to manage state-owned aquatic lands for the purpose of operating a publicly owned marina. Directs the development of a proposed model management agreement that shall be used as the basis for negotiating the management agreements required by this section. The model management agreement shall be reviewed and approved by the Board of Natural Resources. **Senate Natural Resources & Parks.**

### **SHB 1867: Revising Provisions For Food Sanitation And Safety**

Declares that an employee of a food service establishment may be granted a renewal permit that is valid for five years from the date of issuance if the employee demonstrates that he or she has obtained additional food safety training prior to renewal of the permit. Authorizes the local health officer to issue a limited duty permit when necessary to reasonably accommodate a person with a disability. The limited duty permit must specify the activities that the permit holder may perform, and must include only activities having low public health risk. Requires individuals to obtain a food and beverage service workers' permit within fourteen days from commencement of employment. **Senate Rules.**

### **ESHB 2303: Regulating Public Water Systems**

Declares that a receiving public water system's use may exceed its water right authorization if the receiving public water system's withdrawal does not exceed the instantaneous or annual withdrawal rate specified in the receiving public water system's water right authorization. If the applicant is a public water system that is a party to an existing intertie agreement, the department shall also consider the existence, nature, economics and terms of the agreement between the intertied public water systems when making a determination on the application for new water rights by the public water system. An intertie shall not be used to deliver a primary or secondary supply of water to a receiving system on a temporary basis unless the terms of the intertie agreement specify the source of the water that will be used by the receiving system to replace the water delivered on the temporary basis and provide that replacement water will be available for delivery to or use by the receiving system before delivery by the supplying system under the agreement if terminated. **Senate Agriculture & Environment. Public Hearing: 2/26/98 - 8:00 a.m., Senate Hearing Room 3.**

### **EHB 2414: Outdoor Burning Compliance**

Revises RCW 70.94.743 to extend the time in which to comply with outdoor burning prohibitions to December 31, 2000, except that for cities less than five thousand population neither within nor contiguous with any nonattainment or maintenance area designated under the federal clean air act, in no event shall such burning be allowed after December 31, 2006. **Senate Agriculture & Environment.**

### **ESHB 2514: Integrated Watershed Management**

Declares an intent of this act to provide locally based groups with the opportunity to: assess local water supplies and needs and develop strategies to provide adequate water for economic prosperity and environmental protection while protecting existing water rights; review water quality problems and develop a strategy for achieving compliance with water quality standards; and formulate plans for protection and enhancement of water-related wildlife and fish habitat. **Senate Agriculture & Environment.**

### **HB 2537/SB 6131: Shellfish Sanitary Control**

Provides that a person whose license or certificate of

approval is denied, revoked or suspended as a result of violations of chapter 69.30 RCW may not participate to any degree in a shellfish operation. **Senate Natural Resources & Parks/House Natural Resources. Public Hearing: 2/25/98 - 8:00 p.m., House Hearing Room C.**

### **HB 2542: Rural Counties/Growth Management**

Provides that a rural county that adopts a resolution removing the county, and the cities located within the county, from the requirement to plan under the Growth Management Act remains subject to the requirements for the designation and protection of critical areas and the designation of natural resource lands. **Senate Government Operations.**

### **2SHB 2618/SSB 6474: Fertilizer Regulation**

Declares an intent to strengthen the state's fertilizer adulteration laws to protect human health and the environment by ensuring that all fertilizers meet standards for allowable metals; allowing fertilizer purchasers and users to know about the contents of fertilizer products; clarifying the Department of Ecology's oversight authority over waste-derived fertilizers; and authorizing additional studies on plant uptake of metals. Makes an appropriation of \$407,747 from the general fund to the Department of Agriculture for the purposes of this act. **House Agriculture & Ecology/Senate Agriculture & Environment. Public Hearing: 2/25/98 - 8:00 a.m., House Hearing Room A.**

### **EHB 2791: Methamphetamine Crimes**

Provides that the manufacture or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor resides is a "most serious offense" under RCW 9.94A.030. Provides that funds may also be appropriated to local governments for a program to assist in the cleanup of sites of methamphetamine production. Funds from this program shall not be used for the initial containment of such a site. **Senate Law & Justice. Public Hearing: 2/26/98 - 1:30 p.m., House Hearing Room A.**

### **SHB 2800: Small City Water Rights**

Finds that an application to withdraw ground water filed with the Department of Ecology serves overriding considerations of the public interest when all of the

following criteria are met: The application is either filed or held, through assignment or otherwise, by a city with a population no greater than five thousand at the time the application is filed; The city has a sole source of firm water supply and that source might be at risk of failure due to contamination or to source location factors including, but not limited to, steep slope and other geologic hazards; The city has a comprehensive plan approved under the Growth Management Act and the plan includes an urban growth area that the city will be required to serve; the city's current water supply is insufficient to meet the future demand forecast in the plan throughout the ten-year period beginning with the adoption by the city of the plan; The city has no currently available reasonable alternative source or supplier of water to meet the demand; and The city has identified a permanent alternative firm supply of water to meet the forecasted demand that the city reasonably expects to become available within ten years of the date of the adoption by the city of the plan. **Senate Agriculture & Environment.**

### **E2SHB 2915: Dairy Nutrients**

Declares an intent of this act to establish an inspection and technical assistance program for dairy farms to address the discharge of pollutants to surface and ground waters of the state that will lead to water quality compliance by the industry. Creates a balanced program involving technical assistance, regulation and enforcement with coordination and oversight of the program by a committee composed of industry, agency and other representatives. Requires every dairy producer licensed under chapter 15.36 RCW to register with the department by September 1, 1998, and shall reregister with the department by September 1st of every even-numbered year.

Requires that, prior to October 1, 1998, the department and conservation commission shall jointly sponsor and hold an educational workshop for conservation districts from around the state, and that, by October 1, 1998, the department shall initiate an inspection program of all dairy farms in the state. Requires all dairy producers licensed under chapter 15.36 RCW to prepare a dairy nutrient management plan. Such plans shall be prepared and fully implemented by December 1, 2000.

Establishes a dairy nutrient management program advisory and oversight committee. Establishes penalties for violations of the act. The act shall be null and void if appropriations are not approved. **Senate Agriculture & Environment. Public Hearing: 2/23/98 - 6:30 p.m., Senate Hearing Room 3**

### **SHB 2960: Authorizing Permits-By-Rule For Certain Solid Waste Recycling Facilities**

Encourages the development and operation of waste recycling facilities needed to accomplish the management priority of waste recycling, and to promote consistency in the requirements for such facilities throughout the state. Directs the Department of Ecology, in conjunction with the state solid waste advisory committee, to continue to refine their recommendations produced pursuant to the comprehensive review of the state's solid waste system required under section 6, chapter 213, Laws of 1997. Ecology shall submit a report containing the refined recommendations to the appropriate legislative committees by December 1, 1998. **Senate Agriculture & Environment.**

### **ESB 6123: Animal Health**

Designates the authority and responsibility of the Director of Agriculture to supervise the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through, and imported into the state. **House Agriculture and Ecology.**

### **ESB 6139: Amphetamine Penalties**

Increases penalties for manufacture and delivery of amphetamine. **House Criminal Justice & Corrections.**

### **SSB 6161: Dairy Nutrient Management**

Establishes a credible registration and inspection program for dairy animal feeding operations to address the excessive discharge of nutrients or pollutants to waters of the state and lead to compliance by the industry with water quality laws. Maintains the administration of the water quality program as it relates to dairy operations at the state level. Creates a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by an advisory committee composed of agency,

industry, and other representatives. Clarifies the current coordination procedures and responsibilities between the Department of Ecology, the conservation commission, and conservation districts. Repeals RCW 90.64.005 and 90.64.090. **Senate Passed 3rd. Public Hearing: , 2/25/98 - 8:00 a.m., House Hearing Room A**

### **ESSB 6203: Authorizing Exemptions From Solid Waste Designations**

Allows DOE to exempt one or more categories of material from designation as solid waste for purposes of solid waste management. In adopting such a rule, the department shall consider the following whether the material will be beneficially used or reused; and whether the beneficial use or reuse of the material will present threats to human health or the environment.

Authorizes DOE to assess a civil penalty in an amount not to exceed \$1,000 per day, per violation to any person exempt from solid waste permitting, who fails to comply with the terms and conditions of the exemption. Each violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct violation. **House Agriculture & Ecology.**

### **ESSB 6497: Taking of Private Property**

It is the public policy of the state of Washington that state agencies and local governments, in planning and carrying out governmental actions, anticipate, be sensitive to, and account for the obligations imposed by the fifth and the fourteenth amendments of the United States Constitution and Article I, section 16 of the State Constitution. It is the purpose of this act to reduce the risk of undue or inadvertent burdens on private property rights resulting from certain lawful governmental actions. Provides that, for any governmental action by local or state government requiring a public hearing, the local or state government shall address in its public hearing the guidelines of the state attorney general. The local or state government shall prepare written findings and conclusions available to the public, using the state attorney general's guidelines, on whether the governmental action may result in an unconstitutional taking of private property. If this act mandates an increased level of service by

local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the Office of Financial Management. **Senate Passed 3rd.**

## **FAMILIES & CHILDREN**

### **ESHB 1194: Breast Feeding In the Workplace**

Requires employers to provide a clean and secure location at the place of employment where a female employee can express breast milk. Clarifies that a mother breast-feeding her child cannot be construed as indecent exposure. **Senate Commerce & Labor.**

### **SHB 2308: School Tests/Parent Consent**

Confirms that it is within the rightful authority of parents to determine how much personal information regarding their child and their family is divulged to schools and individual educators. Requires prior parental consent for the administration of tests, questionnaires and surveys that elicit the personal beliefs or practices of a student or a student's family regarding sex or religion. Requires that all instruction materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any test, questionnaire, survey, analysis, or evaluation in a school shall be available for inspection by the parents or legal guardians of the students and by any member of the school board. Provides that schools shall give parents and students effective notice of their rights under this act. Surveys that undergo review by the Human Subjects Research Review Board are exempted from most of the provisions in this bill. **Senate Education. Public Hearing: 2/27/98 - 8:00 a.m., Senate Hearing Room 1.**

### **ESHB 2395: Partial Birth Abortions**

Initiative 120 is specifically amended to make this act an exception to the declared fundamental right to choose or refuse to have an abortion. Provides that any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus is guilty of a felony and is fined \$4,000 or imprisoned for two years, or both. This act shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury. **Senate Law & Justice .**

## **SHB 2422: Parents' Rights in Education**

Allows parents to make a complaint to the school board and have the complaint heard at a public hearing regarding instructional and library materials the parent deems objectionable; exclude their child from sex education and HIV/AIDS classes without prior presentation of the materials, and be involved in evaluation and revision of sex education and HIV/AIDS programs; and exclude their child from scoliosis screening and be involved in instructional materials review committees. **Senate Education. Public Hearing: 2/26/98 - 10:00 a.m., Senate Hearing Room 1.**

## **E2SHB 3008: Drug-Affected Children**

Requires dependency investigations for infants born drug affected. Requires a health care provider primarily responsible for the supervision of the birth of an infant, who has reasonable cause to believe an infant has been exposed to non-prescription use of controlled substances to: (1) Conduct appropriate tests to determine whether the infant is drug-affected; (2) Notify DSHS of the name and address of the parents of an infant who is drug-affected; and (3) Refer the infant to DSHS for placement in a birthing facility or interim pediatric care center for medical treatment. Directs DSHS to operate a pilot project to provide services to women who give birth to infants exposed to the non-prescription use of controlled substances by the mother during pregnancy. This bill is null and void if not referenced in the supplemental operating budget. **Senate Human Services & Corrections. Public Hearing: 2/25/98 - 8:00 a.m., Senate Hearing Room 4.**

## **HB 3103: Newborn Screening**

Directs the Department of Health, in consultation with appropriate medical professionals, to develop screening criteria for use in identifying pregnant or lactating women addicted to drugs or alcohol who are at risk of producing a drug-affected baby. **Senate Health & Long-Term Care.**

## **E3SSB 5278: Mother of Drug-Addicted Baby**

Finds that all children have the right to be born healthy and free of the consequences of the nonprescription use of controlled substances by the mother during

pregnancy. Individuals who have a drug addiction are unable to make reasoned decisions that help ensure the birth of a healthy infant. The availability of long-term pharmaceutical birth control, when combined with other treatment regimens, may allow women to regain control of their lives and make long-term decisions in the best interest of themselves and their children. Finds that a third or subsequent drug-affected infant being born to the same mother means it is unreasonable to attempt to continue efforts to reunify the family and that all reasonable reunification efforts that have previously been made have proven futile and there is no likelihood that future efforts will produce a different outcome. Establishes procedures for dependency investigations for infants born drug affected. Declares that, to the extent funds are appropriated, the department shall operate a pilot project to provide services to women who give birth to infants exposed to the nonprescription use of controlled substances by the mother during pregnancy. Within available funds, the project may be offered in each of the department's administrative regions. The project shall accept women referred to it by the department following the birth of a drug-affected infant. The pilot project shall be concluded by July 1, 2001. Declares that, to the extent funds are appropriated, the institute for public policy shall study the cost-effectiveness of this act and report to the governor and legislature not later than September 1, 2002. **House Children & Family Services/Senate Passed 3<sup>rd</sup>.**

## **ESSB 6290: Abortion/Parental Notification**

Provides that a physician shall not perform an abortion upon an unemancipated minor or upon an incompetent person unless the physician has given forty-eight hours actual notification to a custodial parent or to the guardian of the mother and the father. Provides that if the pregnant unemancipated minor or pregnant incompetent person makes a written, signed declaration that she is a victim of sexual abuse, neglect or physical abuse by either of her parents or her guardian, the physician intending to perform the abortion shall provide the notification required by this act to a brother or sister of the unemancipated minor or incompetent person so long as that sibling is over twenty-one years of age, or to a stepparent or grandparent specified by the unemancipated minor or incompetent person.

## Bill Watch

Provides that a parent, guardian or other person who engages in coercion of an unemancipated minor or incompetent person to persuade her to have an abortion performed is guilty of a misdemeanor. Declares that any physician who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person, without providing the required notification shall be guilty of a gross misdemeanor. **House Law & Justice.** *Public Hearing: 2/25/98 - 1:30 p.m., House Hearing Room A.*

### FISCAL

#### **HB 2301: Vehicle Excise Tax Moneys**

Reduces the annual amount of the motor vehicle excise tax to one and one-half percent of the value of the vehicle and revises the distribution formula for the tax. Applies to motor vehicle fees due after June 30, 1998. **House Finance.**

#### **HB 2453: Motor Vehicle Excise Tax**

Revises provisions relating to motor vehicle excise taxes. **House Finance.**

#### **HB 2627/SB 6450: Supplemental Operating Budget**

Provides supplemental appropriations. **House Appropriations/Senate Ways and Means.**

#### **SHB 2724: Enforcement Moneys/Legislative Oversight**

Provides that no state officer or employee may expend moneys received from fines, penalties, forfeitures, settlements, court orders or other enforcement actions except as provided in a specific appropriation by law. **Senate Ways & Means.**

#### **HB 2801: Vehicle Excise Tax Revenues**

Revises RCW 82.44.110 relating to disposition of motor vehicle excise tax revenues. **House Appropriations.**

#### **SSB 6602: Carbonated Beverage Taxes**

Provides a credit for carbonated beverage taxes against business and occupation taxes. **House Finance.**

#### **SB 6112: Vehicle Excise Tax Reduction**

Reduces the rate of motor vehicle excise tax on automobiles, motorcycles, light trucks and motor homes by a general reduction in the value of vehicles to which the tax is applied. Reductions in revenue from the motor vehicle excise tax must be funded from projected surpluses in the state general fund so as to not have a detrimental effect on other programs receiving funds from the tax. **Senate Ways and Means.**

#### **SB 6483: Cigarette and Tobacco Tax Enforcement**

Authorizes the transfer of enforcement of cigarette and tobacco taxes to the liquor control board. **House Commerce & Labor.**

### INJURY PREVENTION

#### **HB 1046: Requiring Personal Flotation Devices For Children On Certain Recreational Vessels**

No person may operate or permit to be operated a vessel under nineteen feet in length unless each person nine years of age or younger on the vessel wears a United States coast guard-approved personal flotation device. Enforcement by law enforcement officers may be accomplished only as a secondary action. **Senate Natural Resources & Parks.**

#### **SHB 1978: Disposal of Firearms**

Legal firearms may be either auctioned or traded to licensed dealers or destroyed if the following criteria are met: The firearm was offered for auction or trade and the offer was not accepted; and the firearm is unsafe or inoperative. **Senate Law & Justice.**

#### **ESB 5242: Child Floatation Devices**

Operators or persons permitting the operation of vessels under 19 feet in length must ensure that all passengers nine years of age and younger actually wear a United States Coast Guard approved PFD if the vessel is in motion. **House Natural Resources.**

### PROFESSIONAL/FACILITIES LICENSING

#### **2SHB 1618: Impaired Physician Programs**

Makes technical revisions to provisions relating to treatment programs for impaired physicians. **Senate Health & Long-Term Care.** *Public Hearing: 2/27/98 - 8:00 a.m., Senate Hearing Room 4.*



## Bill Watch

### **ESHB 1619: Increasing Compensation For Members of Medical Boards**

Each member of the commission who performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be compensated in an amount not to exceed two hundred fifty dollars per day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the commission. **Senate Health & Long-Term Care. Public Hearing: 2/27/98 - 8:00 a.m., Senate Hearing Room 4.**

### **ESHB 2363: Nurse Delegation**

Enacting department of health recommendations removing barriers to nurse delegation. Revises RCW 18.88A.030 and 18.88A.210 to adopt department of health recommendations removing barriers to nurse delegation. Extends the termination date for the task force until 1999. **Senate Health & Long-Term Care.**

### **SHB 2364: Health Professions Administrative Procedures**

Revises RCW 43.70.280 to extend the authority of the secretary of health to write administrative rules for the health professions from July 1, 1998 to March 1, 1999. **Senate Rules.**

### **SHB 2469: Blood Supply Donations**

Requires any blood donor program receiving blood donations to establish a program and procedures to honor the requests by donors to have the blood donations directed for use to persons as specified by such donors. The blood donor program may keep up to one-third of the donated blood to increase the general blood supply for other non-directed patient transfusions. **Senate Health & Long-Term Care.**

### **ESHB 2774: Adult Family Homes**

Creates an advisory committee on matters relating to the regulation of adult family homes. **Senate Health & Long-Term Care. Public Hearing: 2/24/98 - 10:00 a.m., Senate Hearing Room 4.**

### **HB 2788: Nursing Assistant Training**

Provides that the Nursing Care Quality Assurance Commission direct the nursing assistant training programs to accept some or all of the skills and

competencies from the curriculum modules toward meeting the requirements for a nursing assistant certificate. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. Directs DSHS and the Nursing Care Quality Assurance Commission to work together to develop an implementation plan by December 12, 1998. **Senate Rules.**

### **EHB 2920: Counselor Continuing Education**

Certified counselors are responsible for obtaining thirty-six clock hours of continuing education during the two-year reporting period immediately preceding renewal of certification, at least six hours of which must be in professional ethics and law. **Senate Health & Long-Term Care.**

### **E2SHB 2935: Nursing Home Medicaid Reimbursement System**

Implements the nursing facility Medicaid payment system. Exempts Bailey-Boushay House from case mix reimbursement. **Senate Health & Long-Term Care. Public Hearing: 2/26/98 - 10:00 a.m., Senate Hearing Room 4.**

### **HB 2990: Boarding Home Accreditation**

Recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. Supports an industry-funded pilot program prior to changing or developing new standards for boarding home regulation. **Senate Health & Long-Term Care.**

### **SHB 2998: Privately Owned Defibrillators**

Provides a limited immunity for use of semiautomatic external defibrillators. **Senate Law & Justice.**

### **2SSB 6168: Temporary Worker Housing**

Directs DOH to adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act, Chapter

49.17 RCW, the rules adopted by the State Board of Health under RCW 70.54.110, and the designated guidelines. Requires that, by December 1, 1998, the Department of Labor and Industries shall adopt rules requiring electricity in all temporary worker housing and establishing minimum requirements to ensure the safe storage, handling, and preparation of food in these camps, regardless of whether individual or common cooking facilities are in use. **Senate Passed 3<sup>rd</sup>.**

### **SSB 6550: Chemical Dependency Professionals**

To protect the public by identifying individuals with demonstrated qualifications in the core competencies of addiction counseling and make government more efficient by consolidating duplicative regulatory activities into a single certification process. **House Health Care.**

### **ESHB 1769/SSB 6651: Prescription Electronic Transfer**

Authorizes information concerning an original prescription or information concerning a prescription refill for a legend drug to be electronically communicated to a pharmacy of the patient's choice pursuant to the provisions of this act if the electronically communicated prescription information complies with designated requirements. **House Health Care/Senate Rules.**

## **REGULATORY REFORM**

### **E2SHB 2345: Administrative Law Revisions**

Revises provisions relating to administrative law rule-making and hearing procedures. A notification requirement for certain rules is added. Within 200 days of the effective date of a rule that imposes additional requirements on businesses that may subject a person to a sanction if violated, an agency must make a good faith effort to notify businesses affected by the rule of the requirements and how to obtain technical assistance. Good faith means the agency at least notifies businesses in the standard industrial classifications of businesses. Inadvertent failure to notify a specific business does not invalidate a rule.

The time period for JARRC to decide whether to

impose the significant legislative rule requirements is extended from 45 to 75 days. Agencies may file proposals for the expedited repeal of rules at any time instead of only twice a year. Each agency must report annually to JARRC on its progress in reviewing its rules, and must publish a summary of the report in the register. If JARRC receives a written objection within 90 days after publication, JARRC must determine whether the agency complied with the requirements. If JARRC finds that the agency did not comply, the agency has 120 days to receive approval from JARRC. If JARRC does not approve, the rule is deemed invalid. **Senate Government Operations. Public Hearing: 2/24/98 - 10:00 a.m., Senate Hearing Room 3.**

### **SSB 6575: Administrative Rules Review**

Expands the power of the joint administrative rules review committee. **House Government Reform & Land Use.**

### **SB 6739: Governmental Accounts/Family Impact**

Requires assessment of the impact on families before adoption of administrative rules and adoption of local government ordinances or resolutions. State agencies are authorized to enact administrative rules to assist the agency in implementing state laws. It has been suggested that because these rules, ordinances and resolutions may greatly affect families, an analysis of the impact should be conducted prior to enactment. **House Government Reform & Land Use. Public Hearing: 2/25/98 - 8:00 a.m., House Hearing Room E.**

## **TOBACCO**

### **2ESHB 1746: Minors Access To Tobacco**

Makes it illegal for a minor to possess or attempt to possess tobacco. Requires minors found guilty of possession or purchase of tobacco to pay a fine and perform four hours of community service. The court may also order the minor into a tobacco cessation program. Deletes the authority of local health departments, and adds the authority tobacco licensees to grant limited immunity to minors to participate in compliance activity. **Senate Commerce & Labor. Public Hearing: 2/25/98 - 1:30 p.m., Senate Hearing**

## **Room 4.**

### **ESSB 6354: Tobacco Industry Settlements**

Provides that, unless otherwise directed by an act of Congress or, in the case of a lawsuit against the tobacco industry, the ensuring settlement or judicial determination, any recovery for damages received by the state in any such settlement or litigation, exclusive of costs and fees, shall be deposited into the Health Services Account and the Education Enhancement Account. Moneys deposited in the Health Services Account are to be used exclusively for Basic Health Plan enrollment. Directs the Attorney general to negotiate a settlement along the guidance of this act.

**House Health Care. Public Hearing: 2/27/98 - 10:00 a.m., House Hearing Room B.**

## **WELFARE REFORM**

### **SHB 2589: TANF Eligibility**

Requires TANF recipients to provide the names of both parents to DSHS at the time of application for Temporary Assistance for Needy Families. This provision is waived for good cause when the applicant provides corroborating evidence that the disclosure would be detrimental for the child. **Senate Health & Long-Term Care.**

### **ESSB 6418: Support Enforcement**

A seven-day time period for remittance of withheld earnings is specified. Parents provide certain information to the state child support case registry, and addresses of recipients are protected, under certain circumstances. The location of a noncustodial parent is protected upon request. Penalties for false reporting or failure to report new hires are specified and increased. Federal employer identification numbers are used by employers in reporting, replacing various other identifiers. The Governor and the Department of Social and Health Services seek a waiver from Social Security number tracking provisions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act. Implements technical amendments to the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. **Senate Passed 3rd.**

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## **EDITORIAL STAFF**

Patty Hayes, Legislative Director  
(360) 586-7297

*email: plh0303@hub.doh.wa.gov*

Greg Smith, Editor Emeritus  
(360) 664-8204

*email: gts0303@hub.doh.wa.gov*

Rae Simpson, Editor

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# Legislative Cut Off Dates

**February 27, 1998:** Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

**March 2, 1998:** Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.

**March 6, 1998:** Last day to consider opposite house bills (except amendments, differences, conference reports, the interim, and business relating to closing session).

**March 12, 1998:** Sine Die. §

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Legislative information can be accessed via the internet. The following are a few links that may be of interest:

### Legislative Update Newsletter

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### Washington State House of Representatives

<http://www.leg.wa.gov/www/house/members/housepg.htm>

### Washington State Senate

<http://www.leg.wa.gov/www/senate.htm>

### Washington State Governor's Home Page

<http://www.wa.gov/governor>

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